

House Bill 640

By: Representatives Williams of the 4th, Shaw of the 176th, and Ralston of the 7th

A BILL TO BE ENTITLED
AN ACT

1 To amend Titles 50 and 12 of the Official Code of Georgia Annotated, relating, respectively,
2 to state government and conservation and natural resources, so as to provide for the
3 comprehensive revision of provisions regarding regional commissions and change such
4 regional commissions to regional development centers; to change certain provisions
5 regarding technical assistance; to change certain provisions regarding planning; to provide
6 for the creation, operation, powers, duties, and authority of regional development
7 commissions; to provide for definitions; to provide for legislative intent; to provide for
8 certain tax exemptions; to provide for applicability to certain zoning power; to change certain
9 provisions regarding conflicts of interest in contract administration; to change certain
10 provisions regarding influence of election of board members and adoption of disciplinary
11 measures; to change certain provisions regarding duties and obligations; to change certain
12 provisions regarding water resources; to change certain provisions regarding agency
13 cooperation; to amend Titles 2, 8, 12, 14, 31, 32, 36, 44, 45, and 48 of the Official Code of
14 Georgia Annotated, relating, respectively, to agriculture, buildings and housing, conservation
15 and natural resources, corporations, health, highways, local government, property, public
16 officers and employees, and revenue and taxation, so as to change certain references relating
17 to regional commissions to appropriate reference to regional development centers; to repeal
18 Section 2 of an Act approved May 6, 2008 (Ga. L. 2008, p. 181), relating to territorial
19 boundaries of regional commissions; to provide for related matters; to provide for an
20 effective date; to repeal conflicting laws; and for other purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I**SECTION 1-1.**

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended by revising subparagraph (a)(18)(B) of Code Section 50-8-2, relating to definitions, as follows:

"(B) Has ~~made its local plan implementation mechanisms consistent with those established in~~ regulations consistent with its comprehensive plan and with the minimum standards and procedures; and"

SECTION 1-2.

Said title is further amended by revising subsection (b) of Code Section 50-8-7, relating to planning and technical assistance and information gathering and distributing, as follows:

"(b) The department shall undertake and carry out, and shall coordinate with other state agencies and local governments in undertaking and carrying out, such gathering of information, such distribution of information, and such studies and recommendations as the board or the commissioner may deem necessary for performing local government services and as may be specified by law. Such coordinating, gathering, and distribution of information and studies may include, but shall not be limited to, the following:

(1) The department shall coordinate and participate in compiling, and other state agencies and local governments shall participate in compiling, a Georgia data base and network to serve as a comprehensive source of information available, in an accessible form, to local governments and state agencies. The Georgia data base and network shall collect, analyze, and disseminate information with respect to local governments, regional ~~commissions~~ development centers, and state agencies. The Georgia data base and network shall include information obtained or available from other governments and information developed by the department. To maintain the Georgia data base and network, the department shall make, and shall coordinate with other state agencies and local governments in making, comprehensive studies, investigations, and surveys of the physical, social, economic, governmental, demographic, and other conditions of the state and of local governments and of such other aspects of the state as may be necessary to serve the purposes of the department. The department shall make available the Georgia data base and network, or provide access to the Georgia data base and network, to other state agencies, local governments, members of the General Assembly, and residents of the state;

(2) The department shall maintain a strategic rural economic development plan in cooperation with the regional development centers, the university system of the state,

other state agencies and departments, and local governments. The plan shall include, without being limited to, identifying industries for which the rural areas of the state have a comparative advantage, exploring resources for venture capital for the rural areas of the state, and providing state financial assistance to support local initiatives for rural economic development in rural areas;

~~(2)~~(3) The department may assist the Governor, the General Assembly, any committees of the General Assembly, any state department, any state agency, any state authority, or any local government with studies, surveys, investigations, maps, reports, plans, recommendations, advice, and information prepared, developed, or obtained by the department;

~~(3)~~(4) The department may undertake studies, investigations, and surveys to identify potential physical, social, economic, governmental, demographic, or other problems and opportunities in the urban, suburban, and rural areas of the state and to assist local governments in preparing to avoid the consequences of such problems or to take advantage of such opportunities; and

~~(4)~~(5) The department may write, draft, prepare, or publish any studies, surveys, investigations, maps, reports, plans, recommendations, advice, and information with respect to local ~~or regional~~ government affairs. The department may distribute or otherwise disseminate any such studies, surveys, investigations, maps, reports, plans, recommendations, advice, and information to any government, any state authority or state agency, or any private entity."

SECTION 1-3.

Said title is further amended by revising Code Section 50-8-7.1, relating to assisting the Governor in planning, establishing minimum standards and procedures for coordinated and comprehensive planning, and supervising regional development centers, as follows:

"50-8-7.1.

(a) The department shall perform the duties, responsibilities, and functions and may exercise the power and authority described in this Code section. The department, utilizing the comprehensive plans of qualified local governments, shall undertake and carry out such activities as may be necessary to assist the Governor in encouraging, coordinating, developing, and implementing coordinated and comprehensive planning. Such activities may include, but shall not be limited to, the following:

(1) The department, utilizing the comprehensive plans of ~~regional commissions and~~ qualified local governments, shall assist the Governor in coordinated and comprehensive planning on the state level and throughout the state, including, but not limited to, assistance in the development of a comprehensive plan for the state;

(2) The department, utilizing the comprehensive plans of ~~regional commissions~~ and qualified local governments, shall assist the Governor in defining the state's long-term goals, objectives, and priorities and implementing those goals, objectives, and priorities through coordinated and comprehensive planning;

(3) The department shall examine and analyze plans of state agencies, comprehensive plans of regional ~~commissions~~ development centers, and comprehensive plans of municipalities and counties, undertaken as part of the coordinated and comprehensive planning process, and advise the Governor with respect to those plans; and

(4) The department shall serve as policy liaison for the Governor, with respect to coordinated and comprehensive planning, with and among state agencies and local governments.

(b) The department shall establish in accordance with the provisions of Code Section 50-8-7.2 minimum standards and procedures for coordinated and comprehensive planning, including standards and procedures for preparation of plans, for implementation of plans, and for participation in the coordinated and comprehensive planning process. The department shall undertake and carry out such activities as may be specified by law. Such activities may include, but shall not be limited to, the following:

(1) As part of such minimum standards and procedures, the department shall establish minimum elements which shall be addressed and included in comprehensive plans of local governments which are prepared as part of the coordinated and comprehensive planning process. These elements shall include, but shall not be limited to, housing, human services, natural resources, the environment, vital areas, historic ~~and cultural~~ resources, infrastructure, land use other than zoning, recreation, transportation, and economic development;

(2) The department shall establish minimum standards and procedures which shall be used by local governments in developing, preparing, and implementing their comprehensive plans. The department shall incorporate the minimum standards and procedures with respect to natural resources, the environment, and vital areas of the state established and administered by the Department of Natural Resources pursuant to Code Section 12-2-8. In establishing such minimum standards and procedures, the department shall be authorized to differentiate among local governments and among regions based upon factors which the department determines merit differentiation, such as total population, density of population, geographic features, the size of tax base, the type and character of services furnished by local governments, the size of budget, and other factors;

(3) The department shall develop planning procedures with respect to regionally important resources, for planning with respect to developments of regional impact, and

for encouraging interjurisdictional cooperation among local governments. The department shall determine, in its judgment and for each region, what shall constitute developments of regional impact. Such determinations by the department shall be made for each region after receiving any necessary information from the regional ~~commission~~ development center for the region, from local governments within the region, and from others within the region. The department's determinations shall be publicly promulgated, using such means as the commissioner may determine, so that all local governments within a region will receive notice of the department's determinations affecting that region; and

(4) The department shall establish and shall promulgate procedures for obtaining input from, and participation by, local governments and the public in establishing, amending, and updating from time to time the minimum standards and procedures.

(c) The department shall undertake and carry out such activities as the board or the commissioner may deem necessary for supervising regional ~~commissions~~ development centers and as may be specified by law. Such activities may include, but shall not be limited to, the following:

(1) The department shall recommend to the board from time to time the boundaries for the regions for each of the regional ~~commissions~~ development centers; and

(2) The department shall review and comment on comprehensive plans prepared by, and coordinated and comprehensive planning activities undertaken by or under the direction of, regional ~~commissions~~ development centers.

(d) The department shall undertake and carry out such activities as may be necessary to mediate, or otherwise assist in resolving, conflicts. Such activities may include, but shall not be limited to, the following:

(1) The department may establish such procedures and guidelines for mediation or other forms of resolving conflicts as the commissioner may deem necessary. The procedures and guidelines shall specify the times within which steps in the mediation or other form of conflict resolution shall take place and shall provide that such times shall not exceed, in the aggregate, 90 days from the date on which mediation or other conflict resolution begins. The department shall promulgate and make public all such procedures and guidelines;

(2) The department may act to mediate or otherwise assist in resolving conflicts upon written request from any regional ~~commission~~ development center or local government or may act, without any such request, on its own initiative;

(3) The department may establish rules and procedures which require that local governments submit for review any proposed action which would, based upon guidelines which the department may establish, affect regionally important resources or further any

development of regional impact. Any such proposed action by a local government (other than a regional ~~commission~~ development center) shall be submitted for review to the local government's regional ~~commission~~ development center. Any such proposed action by a regional ~~commission~~ development center shall be submitted for review to the department. Review shall be in accordance with rules and procedures established by the department. The review shall result in a public finding by the regional ~~commission~~ development center or the department, as the case may be, that the action will be in the best interest of the ~~region and~~ state or that it will not be in the best interest of the ~~region and~~ state;

(4) Any conflict which remains after review pursuant to the procedures established under paragraph (3) of this subsection shall be submitted to mediation or such other form of resolving conflicts as the commissioner may deem necessary; and

(5) The department may decline to certify a local government as a qualified local government or may take or recommend action which would reduce state or other funding for a regional ~~commission~~ development center if such local government or regional ~~commission~~ development center, as the case may be, is a party to a conflict but fails to participate in the department's mediation or other means of resolving conflicts in a manner which, in the judgment of the department and a majority of the Board of Community Affairs, reflects a good faith effort to resolve the conflict."

SECTION 1-4.

Said title is further amended by repealing in its entirety Article 2, relating to regional commissions and inserting in its place an article to read as follows:

"ARTICLE 2

50-8-30.

The local governments of the State of Georgia are of vital importance to the state and its citizens. The state has an essential public interest in promoting, developing, sustaining, and assisting local governments. The natural resources, environment, and vital areas of the state are also of vital importance to the state and its citizens. The state has an essential public interest in establishing minimum standards for land use in order to protect and preserve its natural resources, environment, and vital areas. Coordinated and comprehensive planning by local governments, under direction from the state, is necessary in order to serve these essential public interests of the state. The purpose of this article is to provide for regional development centers to develop, promote, and assist in establishing coordinated and comprehensive planning in the state, to assist local governments to participate in an orderly

process for coordinated and comprehensive planning, to assist local governments to prepare and implement comprehensive plans which will develop and promote the essential public interests of the state and its citizens, and to prepare and implement comprehensive regional plans which will develop and promote the essential public interests of the state and its citizens. This article shall be construed liberally to achieve its purpose. This article is enacted pursuant to the authority granted the General Assembly in the Constitution of the State of Georgia, including, but not limited to, the authority provided in Article III, Section VI, Paragraphs I and II(a)(1) and Article IX, Section II, Paragraphs III and IV.

50-8-31.

As used in this article, the term:

(1) 'Board' means the board of a regional development center.

(2) 'Center' means a regional development center established under this article, including its predecessor area planning and development commission.

(3) 'Commissioner' means the commissioner of community affairs.

(4) 'Comprehensive plan' means any plan by a county or municipality covering such county or municipality or any plan by a regional development center covering the center's region proposed or prepared pursuant to the minimum standards and procedures for preparation of comprehensive plans and for implementation of comprehensive plans, established by the department in accordance with Article 1 of this chapter.

(5) 'Conflict' means any conflict, dispute, or inconsistency arising:

(A) Between or among comprehensive plans for any counties or municipalities, as proposed, prepared, proposed to be implemented, or implemented;

(B) Between or among comprehensive plans for any counties or municipalities and comprehensive plans for the region which includes such counties or municipalities, as such plans may be proposed, prepared, proposed to be implemented, or implemented;

(C) With respect to or in connection with any action proposed to be taken or taken by any county, municipality, or other local government relating to or affecting regionally important resources, as defined by the department; or

(D) With respect to or in connection with any action proposed to be taken or taken by any county, municipality, or other local government relating to or affecting developments of regional impact, as defined by the department.

(6) 'Constitution' means the Constitution of the State of Georgia.

(7) 'Contract' means any contract, agreement, or other legally binding arrangement.

(8) 'Coordinated and comprehensive planning' means planning by counties and municipalities and by regional development centers in accordance with the minimum standards and procedures.

(9) 'County board member' means any member of the board representing a county, determined pursuant to paragraph (1) of subsection (b) of Code Section 50-8-34.

(10) 'Department' means the Department of Community Affairs.

(11) 'Governing body' means the board of commissioners of a county, sole commissioner of a county, council, commissioners, or other governing authority for a county or municipality.

(12) 'Government' means any governmental unit on the federal, state, or local level and any department, agency, or authority of any such governmental unit and shall include all local governments, school districts, state agencies, and state authorities.

(13) 'Local government' means any county, municipality, or other political subdivision of the state; any regional development center; any public agency or public authority, except any state agency or state authority, created under the Constitution or by Act of the General Assembly; and shall include public agencies and public authorities which are created or activated pursuant to the Constitution or Act of the General Assembly or by action of the governing body of any county, municipality, or other political subdivision of the state, separately or in any combination, and shall include any group of counties or municipalities which forms the group to carry out jointly any lawful purposes but shall not include school districts.

(14) 'Local plan' means the comprehensive plan for any county or municipality.

(15) 'Minimum standards and procedures' means the minimum standards and procedures, including the minimum elements which shall be addressed and included, for preparation of comprehensive plans, for implementation of comprehensive plans, and for participation in the coordinated and comprehensive planning process, as established by the department. Minimum standards and procedures shall include any elements, standards, and procedures for such purposes prescribed by a regional development center for counties and municipalities within its region and approved in advance by the department, in accordance with Article 1 of this chapter.

(16) 'Municipal board member' means any member of the board representing a municipality, determined pursuant to paragraph (1) of subsection (b) of Code Section 50-8-34.

(17) 'Municipality' means any municipal corporation of the state and any consolidated city-county government of the state.

(18) 'Necessary' means necessary, desirable, or appropriate, as determined by the commissioner, unless the context clearly indicates a different meaning.

(19) 'Nonpublic board member' means any board member who is a resident of a county within the region, who is not an elected or appointed official or employee of any county

or municipality, and who is elected as a nonpublic member for that county pursuant to paragraph (1) of subsection (b) of Code Section 50-8-34.

(19.1) 'Nonpublic funds' means the servicing fees which are received by a nonprofit corporation for administering federal or state revolving loan programs or loan packaging programs.

(20) 'Qualified local government' means a county or municipality which:

(A) Has a comprehensive plan in conformity with the minimum standards and procedures;

(B) Has established regulations consistent with its comprehensive plan and with the minimum standards and procedures; and

(C) Has not failed to participate in the department's mediation or other means of resolving conflicts in a manner which, in the judgment of the department, reflects a good faith effort to resolve any conflict.

(21) 'Region' means the territorial area within the boundaries of operation for any regional development center, as such boundaries shall be established from time to time by the board of the department.

(22) 'Regional development center' means a regional development center established under this article.

(23) 'Regional plan' means the comprehensive plan for a region.

(24) 'State' means the State of Georgia.

50-8-32.

Regional development centers are created and established as public agencies and instrumentalities of their members which shall facilitate coordinated and comprehensive planning in conformity with minimum standards and procedures established pursuant to law. Each such agency and instrumentality shall be known as a regional development center and shall be designated, by name for all purposes, with such identifying words before the term 'regional development center' as the board may, from time to time in accordance with the provisions of subsection (f) of Code Section 50-8-4, choose and designate by official action. The number of regional development centers and the region within which each regional development center shall operate shall be established from time to time by the board of community affairs. The board of community affairs shall initially establish the boundaries of each region so that, for the period through June 30, 1990, each region will cover the same territorial area as covered by the regional development center's predecessor area planning and development commission in effect on June 30, 1989. Each county shall be wholly within the region of one regional development center, and no county shall be divided among more than one region. Without limiting the generality of the

foregoing, the board of community affairs shall establish the boundaries of any region for which a metropolitan area planning and development commission, created pursuant to Article 4 of this chapter, also serves as the regional development center.

50-8-33.

(a) Each municipality and county in the state shall automatically be a member of the regional development center for the region which includes the municipality or county, as the case may be.

(b)(1) Each county and municipality in the state shall pay the annual dues for membership in its regional development center. Each county and the municipalities within such county shall continue to use the arrangement for the payment of dues which was in effect on June 30, 1989, for the payment of dues to the area planning and development commission which preceded the regional development center created by this article until a revised arrangement for the amount, apportionment, and payment of annual dues is established by the county and the municipalities within such county. If an arrangement for the payment of such dues is structured so that a county pays dues only on behalf of residents of the unincorporated areas of the county, then the annual dues paid by such county shall come solely from revenues derived from the unincorporated areas of the county.

(2) State funds appropriated to the department and available for the purpose of assisting regional development centers shall be distributed in accordance with this paragraph. The department shall establish a minimum funding amount for regional development centers, conditioned upon the amount of state funds appropriated, and a supplemental funding formula to be used for the distribution of available state funds in excess of the minimum funding amount. To be eligible for the minimum funding amount, each regional development center must assess and collect annual dues in the amount of 25¢ for each resident of each county within the regional development center, based upon the most recent estimate of population approved by the department for this purpose. To be eligible for any supplemental funding, each regional development center shall be required to match the amount of the supplemental funds on a dollar-for-dollar basis and shall only use for the purpose of computing matching funds revenues of the regional development center in excess of the amount required for the minimum funding amount.

(3) The initial supplemental funding formula established by the department to be used for the distribution of available state funds in excess of the minimum funding amount shall be promulgated by the department in accordance with the procedures of Code Section 50-8-7.2.

50-8-34.

(a) The board of each regional development center shall establish policy and direction for the regional development center and shall perform such other functions as may be provided or authorized by law.

(b) Membership on the board shall be determined as follows:

(1) The board of each regional development center shall be comprised of not less than two nor more than five representatives from each member county served by the regional development center. The manner of selecting such regional development center board members shall be as prescribed by its bylaws, provided that the board shall have at least one elected or appointed municipal government official from each member county and at least one elected or appointed county government official from each member county. The bylaws of a regional development center may authorize the regional development center to include nonpublic board members;

(2) At the next regular meeting of each regional development center board held not less than 30 days following July 1, 1993, the chairperson of each regional development center board shall convene a meeting of the present membership of such board for the purpose of amending the regional development center's bylaws to provide for the election of the initial regional development center board in accordance with the provisions of paragraph (1) of this subsection. Not less than 30 nor more than 60 days following the adoption of such amended bylaws, the chairperson of each regional development center board shall convene a meeting of the present membership of each regional development center board to elect the initial regional development center board in accordance with the provisions of such amended bylaws. The terms of office of initial regional development center board members selected pursuant to this subsection shall commence upon such date and time as specified in the amended regional development center's bylaws; and

(3) In addition to the members of the board provided for in paragraphs (1) and (2) of this subsection, the Board of Community Affairs shall have the authority to appoint one nonvoting member from within each region to the membership of the board for that region.

(c) The term of a member shall be for a period of one year and until the member's successor is elected and qualified. The term of a member shall terminate immediately upon:

(1) Resignation by a member;

(2) Death of a member or inability to serve as a member due to medical infirmity or other incapacity; or

(3) Any change in local elective office or residence of a member which would cause the composition of the board not to comply with the requirements of subsection (b) of this Code section.

(d) Each member of the board shall have one vote. Establishment of a quorum for purposes of the conduct of business shall be determined by the bylaws of the regional development center.

(e) Each regional development center board shall elect from among its board members a chairperson, vice chairperson, and secretary who shall serve for a term of one year and until their successors are elected and qualified. Such elections shall be held annually at a meeting designated for that purpose in the regional development center's bylaws.

(f) The board shall meet not less than ten times each year and at such times as provided by its bylaws.

(g) Each board shall exercise the following powers:

(1) The powers, duties, responsibilities, and functions enumerated in Code Section 50-8-35;

(2) The appointment and removal of a full-time executive director for the regional development center;

(3) The establishment of such committees as the board shall deem appropriate;

(4) The adoption of an annual work program for the regional development center;

(5) The adoption of an annual budget; and

(6) The determination of the policies and programs to be implemented and operated by the regional development center as may be provided or authorized by law.

50-8-34.1.

(a) Each regional development center shall have an executive director who shall serve at the pleasure of the board and who shall be subject to appointment and removal by a majority vote of the members of the board. The executive director shall perform such duties as assigned by the board.

(b) Each regional development center board shall require performance standards for measurement of the activities of the regional development center. The board shall conduct an annual performance review of the executive director of the regional development center measured by standards developed by the board.

50-8-35.

(a) Each regional development center, as authorized by the board of such regional development center and consistent with federal and state law, shall perform the duties, responsibilities, and functions and may exercise the power and authority described in this Code section. Each center may exercise the following power and authority:

(1) Each center may adopt bylaws and make rules and regulations for the conduct of its affairs;

(2) Each center may make and enter into all contracts necessary or incidental to the performance of its duties and functions. Neither a center, nor any nonprofit corporation established or controlled by that center, may enter into any contract obligating that center or nonprofit corporation to perform services for any political subdivision, individual, or business entity located wholly outside the boundaries of that center's region, except that one center, on its own behalf and not on behalf or for the direct benefit of any political subdivision, individual, or business entity within that center's boundaries, may contract with another center to provide services for the benefit of one or both centers;

(3) Each center may acquire and dispose of real and personal property;

(4) Each center may utilize the services of the Department of Administrative Services;

(5) Each center may prepare studies of the area's resources as they affect existing and emerging problems of industry, commerce, transportation, population, housing, agriculture, public services, local governments, and any other matters relating to area planning and development;

(6) Each center may collect, process, and analyze, at regular intervals, the social and economic statistics for the region, which statistics are necessary to planning studies, and make the results available to the general public;

(7) Each center may participate with local, state, or federal governmental agencies, educational institutions, and public and private organizations in the coordination and implementation of research and development activities;

(8) Each center may cooperate with all units of local government and planning and development agencies within the center's region and coordinate area planning and development activities with those of the state and of the units of local government within the center's region as well as neighboring regions and with the programs of federal departments, agencies, and regional commissions; and provide such technical assistance, including data processing and grant administration services for local governments, as may be requested of it by a unit or units of local government within the center's region; and such technical assistance shall not be limited to planning and development activities but may include technical assistance of any nature requested by a unit or units of local government within the center's region;

(9) Each center may carry out such other programs as its board or the department shall require from time to time;

(10) Each center may, when appropriate, administer funds involving more than one political subdivision;

(11) Each center may, upon the signed resolution of its board and written approval by each unit of local government affected, initiate, continue, or renew arrangements with the United States government, an adjoining state, this state, a unit of local government, any

agency or instrumentality of the foregoing, or a public or private organization for the management, administration, or operation of human service programs by such regional development center; but, in the conduct of any such human service programs, a center shall not engage in the direct delivery of goods or services to individual consumers but may enter into contracts with other authorized entities, including units of local government, for the delivery of such goods or services by and in the name of such entities; and

(12) Each center may provide the following benefits to its employees, their dependents, and survivors, in addition to any compensation or other benefits provided to such persons:

(A) Retirement, pension, disability, medical, and hospitalization benefits, through the purchase of insurance or otherwise;

(B) Life insurance coverage and coverage under federal old age and survivors' insurance programs;

(C) Sick leave, annual leave, and holiday leave; and

(D) Any other similar benefits including, but not limited to, death benefits.

(b) Each center shall adopt personnel policies and practices with specific reference to job descriptions and qualifications. Minimum qualifications for the professional personnel of each regional development center shall be established by the board of the regional development center and the Board of Community Affairs.

(c) Each center shall undertake and carry out such planning and technical assistance activities as its board or the department may deem necessary for the development, preparation, and implementation of comprehensive plans for the center's region and for municipalities and counties within the center's region and such planning and technical assistance activities as its board or the department may deem necessary for coordinated and comprehensive planning within the center's region. Such planning and technical assistance activities may include, but shall not be limited to, the following:

(1) A center may coordinate and assist local governments in preparing local plans for submission to the center;

(2) A center may provide technical planning assistance to local governments;

(3) A center may develop and prepare a local plan for a county or municipality if the county or municipality enters into a contract with a center for that purpose;

(4) A center may require that comprehensive plans within its region include elements in addition to those established by the department as minimum standards and procedures but, before imposing any such requirement, the center shall have received the department's approval of any additional elements to be included in such comprehensive plans;

489 (5) A center may establish goals and objectives, consistent with those established by the
490 Governor's Development Council or by the department, for its region; and

491 (6) Each center shall prepare and adopt a regional plan and submit the regional plan to
492 the department. The regional plan shall take into consideration local plans within the
493 region. The regional plan may be prepared but shall not be adopted by the board until
494 after a proposed regional plan has been made public and after the board has held, or
495 caused to be held by a designated hearing officer, a public hearing on the regional plan,
496 in accordance with such procedures as the department may establish.

497 (d) Each center shall participate in compiling a Georgia data base and network,
498 coordinated by the department, to serve as a comprehensive source of information
499 available, in an accessible form, to local governments, state agencies, and members of the
500 General Assembly.

501 (e) A center shall serve as liaison with other governments, including federal government
502 agencies and state agencies. In this capacity, a center may administer programs within the
503 state upon the request of local governments and may administer federal or state government
504 programs upon designation by the federal or state government. Each center shall be
505 designated as the official planning agency for all state and federal programs to be carried
506 out in the region if such designation is required and if the department concurs in such
507 designation. A center may take all action and shall have all power and authority necessary
508 to carry out its responsibilities, duties, and functions under any such state or federal
509 programs.

510 (f)(1)(A) In order to accomplish the intent of subsection (e) of this Code section, each
511 center is authorized to create nonprofit corporations to administer federal or state
512 revolving loan programs or loan packaging programs, and to administer federal or state
513 housing and development programs and funds available only to nonprofit corporations.
514 Each such nonprofit corporation must be authorized by the center's board and each unit
515 of local government affected.

516 (B) Any nonprofit corporation which, prior to April 1, 1994, has been created by a
517 center and has had articles of incorporation which are regular on their face accepted for
518 filing by the Secretary of State shall be recognized as and have legal status as a validly
519 created nonprofit corporation under the laws of this state for all purposes,
520 notwithstanding the requirements of subparagraph (A) of this paragraph and
521 notwithstanding any lack of express statutory authority on the part of the center to carry
522 out such incorporation at the time of filing of the articles of incorporation. Nothing in
523 this subparagraph, however, shall excuse such a nonprofit corporation from complying
524 on and after April 1, 1994, with any and all requirements imposed by law for
525 continuation of its corporate existence in the same manner as other nonprofit

corporations created under this paragraph are required to comply with legal requirements for their continued existence.

(2) Employees and any other authorized representatives of a nonprofit corporation created pursuant to paragraph (1) of this subsection are authorized to expend nonpublic funds of such corporation for the business meals and incidental expenses of bona fide industrial prospects and other persons who attend any meeting at the request of the nonprofit corporation to discuss the location or development of new business, industry, or tourism within the center's region. All such expenditures shall be verified by vouchers showing date, place, purpose, and persons for whom such expenditures were made. All receipts of nonpublic funds shall be evidenced by vouchers showing the date, amount, and source of each receipt. A schedule shall be included in each annual audit which reports the beginning balance of unexpended nonpublic funds; the date, amount, and source of all receipts of nonpublic funds; the date, place, purpose, and persons for whom expenditures were made for all such expenditures of nonpublic funds; and the ending balance of unexpended nonpublic funds. The auditor shall verify and test such beginning balances, receipts, expenditures, and ending balances sufficient to express an opinion thereon in accordance with generally accepted government auditing standards.

(3) A nonprofit corporation shall keep books of account reflecting all funds received, expended, and administered by the nonprofit corporation which shall be independently audited at least once in each fiscal year during which a nonprofit corporation functions. Such audit shall be conducted in accordance with generally accepted government auditing standards. The state auditor shall promulgate policies and procedures for procurement of such audit of the financial affairs of a nonprofit corporation and shall annually review the audit procurement process to determine compliance with established policies and procedures. The nonprofit corporation shall be responsible for the costs associated with such audit. The auditor's report shall be presented to the commissioner, who shall make such report available to each board member within the region and to the Board of Community Affairs. The books of account shall be kept in a standard, uniform format to be determined by the state auditor and the commissioner. Each nonprofit corporation shall update its books of account on a quarterly basis and shall present the quarterly update to the commissioner. The department with the assistance of the commissioner of banking and finance shall conduct at least biennially a performance audit of each nonprofit corporation. The department shall provide copies of each such performance audit to the respective chief elected official of each county and municipality within the center's region.

561 (4) Each nonprofit corporation shall submit to the department copies of all filings made
562 to federal, state, or local taxing authorities, including filings related to tax exemptions
563 simultaneous with such filings.

564 (5)(A) Each annual audit report of a nonprofit corporation shall be completed and a
565 copy of the report forwarded to the state auditor within 180 days after the close of the
566 nonprofit corporation's fiscal year. In addition to the audit report, the nonprofit
567 corporation shall forward to the state auditor, within 30 days after the audit report due
568 date, written comments on the findings and recommendations in the report, including
569 a plan for corrective action taken or planned and comments on the status of corrective
570 action taken on prior findings. If corrective action is not necessary, the written
571 comments should include a statement describing the reason it is not.

572 (B) The state auditor shall review the audit report and written comments submitted to
573 his or her office to ensure that they meet the requirements for audits provided for in
574 paragraph (3) of this subsection. If the state auditor finds the requirements for audits
575 have not been complied with, the state auditor shall, within 60 days of his or her receipt
576 of the audit or written comments, notify the nonprofit corporation and the auditor who
577 performed the audit and shall submit to them a list of the deficiencies to be corrected.
578 A copy of this notification shall also be sent by the state auditor to the center related to
579 the nonprofit corporation, the chief elected official of each county and municipality
580 within the center's region, and to each member of the General Assembly whose
581 senatorial or representative district includes any part of the center's region.

582 (C) If the state auditor has not received any required audit or written comments by the
583 date specified in subparagraph (A) of this paragraph, the state auditor shall within 30
584 days of such date notify the nonprofit corporation that the audit has not been received
585 as required by law. A copy of this notification shall also be sent by the state auditor to
586 the center related to the nonprofit corporation, the chief elected official of each county
587 and municipality within the related center's region, and to each member of the General
588 Assembly whose senatorial or representative district includes any part of the related
589 center's region.

590 (D) The state auditor, for good cause shown by those nonprofit corporations in which
591 an audit is in the process of being conducted or will promptly be conducted, may waive
592 the requirement for completion of the audit within 180 days. Such waiver shall be for
593 an additional period of not more than 180 days and no such waiver shall be granted for
594 more than two successive years to the same nonprofit corporation.

595 (6) A copy of the report and of any comments made by the state auditor pursuant to
596 subparagraph (B) of paragraph (5) of this subsection shall be maintained as a public

record for public inspection during the regular working hours at the principal office of the nonprofit corporation and the related center.

(7) Upon a failure, refusal, or neglect to have an annual audit made or a failure to file a copy of the annual audit report with the state auditor or a failure to correct auditing deficiencies noted by the state auditor, the state auditor shall cause a prominent notice to be published in the legal organ of and any other newspapers of general circulation within each county and municipality within the related center's region. Such notice shall be a prominently displayed advertisement or news article and shall not be placed in that section of the newspaper where legal notices appear. Such notice shall be published once a week for two consecutive weeks and shall state that the nonprofit corporation has failed or refused to file an audit report or to correct auditing deficiencies, as the case may be, for the fiscal year or years in question. Such notice shall further state that such failure or refusal is in violation of state law.

(8) The state auditor may waive the requirement of correction of auditing deficiencies for a period of one year from the required audit filing date, provided that evidence is presented that substantial progress is being made toward removing the cause of the need for the waiver. No such waiver for the same set of deficiencies shall be granted for more than two successive years to the same nonprofit corporation.

(g) Notwithstanding the provisions of paragraphs (2) and (8) of subsection (a) of this Code section, a center may contract with the department for coordinated and comprehensive planning covering areas not within the territorial boundary of the center, provided that any such contract is made with the approval of the regional development center's board of directors having jurisdiction in the area affected.

(h) A center shall be prohibited from either creating or controlling or causing to be created any nonprofit corporation, except as authorized in paragraph (1) of subsection (f) of this Code section.

(i) Neither a center nor a nonprofit corporation either created or controlled or caused to be created by the center shall administer any federal program which prohibits the department from conducting a performance audit relative to such program.

(j) In any case where a center contracts with a state agency, the contract shall include a provision requiring cancellation of the contract if the department determines that the center or a nonprofit corporation either created or controlled or caused to be created by the center is not fully cooperating with a performance audit conducted by the department.

(k) The department and the centers, jointly, shall develop a continuing education program for professional staff members of such centers.

50-8-36.

(a) For the purposes of paragraph (11) of subsection (a) of Code Section 50-8-35, the term 'human service programs' means any activity authorized by law to be undertaken by the state or by any unit of local government in which it is undertaken, the funds for which program are provided by or through the United States government, an adjoining state, this state, any unit of local government, any agency or instrumentality of the foregoing, or a public or private organization, the purpose of which is to provide assistance to and relieve the special burdens of the young, the indigent, the aged, persons with disabilities, the unemployed, or the ill.

(b) As used in this subsection, 'governmental services' means those services provided by local units of government of this state. No authority granted to regional development centers by Code Section 50-8-35 shall be construed to authorize a regional development center to manage, administer, or operate any program involving the direct delivery of governmental services to consumers or to administer contracts for the delivery of governmental services to consumers, except that:

(1) The authority of regional development centers with respect to human service programs, as defined by subsection (a) of this Code section, shall be governed and controlled by paragraph (11) of subsection (a) of Code Section 50-8-35;

(2) The department may specifically authorize governmental services other than human service programs in writing from time to time and for any specified period of time; and

(3) Regional development centers shall be authorized to provide technical assistance to units of local government in areas of governmental services.

50-8-37.

(a) Each local plan shall be submitted for review, comment, and recommendation to the appropriate regional development center and shall become effective in accordance with this Code section. Each municipality and county within a region shall submit its local plan to the regional development center for that region for review, comment, and recommendation by the regional development center. The center shall maintain all local plans which it receives in this manner in files available for inspection by the public.

(b) Within ten days after receipt of a local plan, the center shall notify each municipality or county within its region which may be affected by the local plan of the general nature of the plan, the date of its submission, and the identity of the submitting municipality or county. In addition, any local governments contiguous to, or operating within, the submitting municipality or county shall be notified by the center in the same manner.

(c) Within 15 days after the center gives the notice required by subsection (b) of this Code section, any local government within the region and any other local government which

received notice from the regional development center may present, to the regional development center, its views on the local plan in a public meeting or hearing which shall be held in accordance with rules established by the center with prior approval of the department.

(d) The center shall determine whether the adoption or implementation of the local plan would present any conflict. The center may recommend a modification of the local plan in such a manner as to eliminate any conflict or alleviate any problem or difficulty which such conflict may create. The center's determination shall be in writing, shall be made public, and shall be communicated by written notice given to the municipality or county which submitted the local plan within 15 days after the date of the public meeting or hearing.

(e) The municipality or county which submitted the local plan may request reconsideration of any recommendation by a center within ten days after the center's recommendation is made public. For purposes of such reconsideration, the center shall schedule, announce, and hold a public hearing within 15 days after receipt of the request for reconsideration. Notice of the time and place of any such public hearing shall be given by the center to all members of the regional development center, in accordance with such procedures as the regional development center may establish, subject to the prior approval of the department. The regional development center shall also give such notice to all affected municipalities and counties and appropriate state regulatory boards and agencies.

(f) Within ten days after the public hearing, the center shall either continue its recommendations or modify the recommendations. In either case, the center shall make public its determination and shall give written notice of its determination to the municipality or county which submitted the local plan.

(g) No municipality or county shall take any action to adopt any local plan, or to put into effect any local plan, until 60 days after the date when the municipality or county, as the case may be, submitted the local plan to the center for review, comment, and recommendation, except that any request for reconsideration of any recommendation by a center pursuant to subsection (e) of this Code section shall automatically operate to extend the 60 day period to 90 days.

(h) Nothing in this Code section shall limit or compromise the right of the governing authority of a county or municipality to exercise the power of zoning.

50-8-38.

A center shall review all applications of municipalities, counties, authorities, commissions, boards, or agencies within the area for a loan or grant from the United States, the state, or any agency thereof if review by a region-wide agency or body is required by federal or state law, rule, or regulation. In each case requiring review, the municipality, county,

authority, commission, board, or agency shall, prior to submitting its application to the United States or state or agency thereof, transmit the same to the center for its review. The comments of the center shall then become a part of the application, to be appended thereto when finally submitted for the consideration of the United States, the state, or any agency thereof.

50-8-39.

(a) A center shall keep books of account reflecting all funds received, expended, and administered by the center which shall be independently audited at least once in each fiscal year during which a center functions. Such audit shall be conducted in accordance with generally accepted government auditing standards. The state auditor shall promulgate policies and procedures for procurement of such audit of the financial affairs of a center and shall annually review the audit procurement process to determine compliance with established policies and procedures. The center shall be responsible for the costs associated with such audit. The auditor's report shall be presented to the governing body of each member within the region and to the department. Beginning July 1, 1990, the books of account shall be kept in a standard, uniform format to be determined by the state auditor and the commissioner. Each regional development center shall update its books of account on a quarterly basis and shall present the quarterly update to the commissioner. The department shall conduct at least biennially a performance audit of each regional development center. The department shall provide copies of a performance audit of a center to the chief elected official of each county and municipality within the center's region.

(b) In conducting a performance audit of a center, the department shall be allowed access to all books, records, and documents of the center and all books, records, and documents of any nonprofit corporations either created or controlled or caused to be created by the center, to the extent the commissioner deems necessary.

(c)(1) Each annual audit report of a center shall be completed and a copy of the report forwarded to the state auditor within 180 days after the close of the center's fiscal year. In addition to the audit report, the center shall forward to the state auditor, within 30 days after the audit report due date, written comments on the findings and recommendations in the report, including a plan for corrective action taken or planned and comments on the status of corrective action taken on prior findings. If corrective action is not necessary, the written comments should include a statement describing the reason it is not.

(2) The state auditor shall review the audit report and written comments submitted to his or her office to ensure that they meet the requirements for audits provided for in subsection (a) of this Code section. If the state auditor finds the requirements for audits have not been complied with, the state auditor shall, within 60 days of his or her receipt

of the audit or the written comments, notify the center and the auditor who performed the audit and shall submit to them a list of deficiencies to be corrected. A copy of this notification shall also be sent by the state auditor to the chief elected official of each county and municipality within the center's region and to each member of the General Assembly whose senatorial or representative district includes any part of the center's region.

(3) If the state auditor has not received any required audit or written comments by the date specified in paragraph (1) of this subsection, the state auditor shall within 30 days of such date notify the center that the audit has not been received as required by law. A copy of this notification shall also be sent by the state auditor to the chief elected official of each county and municipality within the center's region and to each member of the General Assembly whose senatorial or representative district includes any part of the center's region.

(4) The state auditor, for good cause shown by those centers in which an audit is in the process of being conducted or will promptly be conducted, may waive the requirement for completion of the audit within 180 days. Such waiver shall be for an additional period of not more than 180 days and no such waiver shall be granted for more than two successive years to the same center.

(d) A copy of the report and of any comments made by the state auditor pursuant to paragraph (2) of subsection (c) of this Code section shall be maintained as a public record for public inspection during the regular working hours at the principal office of the center.

(e) Upon a failure, refusal, or neglect to have an annual audit made or a failure to file a copy of the annual audit report with the state auditor or a failure to correct auditing deficiencies noted by the state auditor, the state auditor shall cause a prominent notice to be published in the legal organ of and any other newspapers of general circulation within each county and municipality within the center's region. Such notice shall be a prominently displayed advertisement or news article and shall not be placed in that section of the newspaper where legal notices appear. Such notice shall be published once a week for two consecutive weeks and shall state that the center has failed or refused to file an audit report or to correct auditing deficiencies, as the case may be, for the fiscal year or years in question. Such notice shall further state that such failure or refusal is in violation of state law.

(f) The state auditor may waive the requirement of correction of auditing deficiencies for a period of one year from the required audit filing date, provided that evidence is presented that substantial progress is being made toward removing the cause of the need for the waiver. No such waiver for the same set of deficiencies shall be granted for more than two successive years to the same center.

(g) Any other provision of this chapter to the contrary notwithstanding, nothing in this chapter shall be construed to require public disclosure of or access to any documents or information relating to loans made by or assigned to the United States Small Business Administration which are exempt from disclosure based upon the federal Privacy Act of 1974, the federal Freedom of Information Act, or the Code of Federal Regulations.

(h) Notwithstanding any other provision of this chapter, neither the state auditor nor the department shall be authorized or required to conduct financial or performance audits of any records or documents relating to loans made by or assigned to the United States Business Administration or any other entity or agency of the United States government if said agency's administrator certifies in writing to the state auditor that said records or documents may not be disclosed to state auditors under applicable federal regulations.

50-8-40.

When federal or state law or regulations require the designation of an area-wide or multicounty public or private corporation, organization, or agency for multicounty delivery of human service programs, the state agency administering such programs shall send a notice of intent to designate such area-wide or multicounty corporation, organization, or agency to units of local government in the area to be affected. The notice shall discuss in general the details of the program and, when applicable, possible local government involvement.

50-8-41.

Each area planning and development commission in existence as of June 30, 1989, shall automatically be succeeded by the regional development center for the same region as of July 1, 1989, and each such regional development center shall be governed, from and after July 1, 1989, by this article. All contractual obligations, obligations to employees, other duties, rights, and benefits of such area planning and development commissions shall automatically become duties, obligations, rights, and benefits of their respective successor regional development centers.

50-8-42.

Any metropolitan area planning and development commission, created pursuant to Article 4 of this chapter, shall also serve as the regional development center for the area covered by such metropolitan area planning and development commission. The duties, responsibilities, and functions and the power and authority granted the metropolitan area planning and development commission by law are, and shall be construed to be, cumulative with, and in addition to, the duties, responsibilities, and functions and the power and

authority granted regional development centers by law. In the event of any conflict between the provisions of law governing metropolitan planning and development commissions and those governing regional development centers, however, the laws governing metropolitan area planning and development commissions shall control and shall govern the metropolitan area planning and development commission. For example, but without intending to limit the generality of the foregoing statement, the provisions of Code Sections 50-8-84 through 50-8-87, regarding membership of a metropolitan area planning and development commission, terms of officers, quorums, and elections of officers, would govern a metropolitan area planning and development commission instead of the provisions covering the same subject matter under this article.

50-8-43.

The governing authorities of the local governmental entities within each regional development center may appropriate or loan their funds, facilities, equipment, and supplies to the regional development center.

50-8-44.

Each regional development center exists for nonprofit and public purposes; and it is found and declared that the carrying out of the purposes of each regional development center is exclusively for public benefit and its property is public property. Thus, no regional development center shall be required to pay any state or local ad valorem, sales, use, or income taxes.

50-8-45.

(a) The following provisions apply to all regional development centers. The Department of Administrative Services is authorized to permit regional development centers, on an optional basis, to purchase their motor vehicles, material, equipment, services, and supplies through the state and to issue purchase orders for regional development centers for motor vehicles, material, equipment, services, and supplies.

(b) The regional development centers of this state are authorized to purchase stock from the state's central supply system operated by the Department of Administrative Services.

(c) The regional development centers of this state are authorized to purchase under state-wide term contracts and price agreements established by the Department of Administrative Services.

(d) The regional development centers of this state are authorized to receive directly from the Department of Administrative Services personal property declared surplus by the state.

(e) The commissioner of administrative services shall prescribe regulations necessary for implementation of this Code section and is authorized to establish minimum standards and uniform standard specifications and procedures for the purchase and distribution of motor vehicles, material, equipment, services, and supplies for the regional development centers of this state.

50-8-46.

Nothing in this article shall limit or compromise the right of the governing authority of any county or municipality to exercise the power of zoning."

SECTION 1-5.

Said title is further amended by revising Code Section 50-8-60, relating to definitions regarding conflicts of interest in contract administration, as follows:

"50-8-60.

As used in this article, the term:

(1) 'Board member' means any member of the board of a regional development center established under Article 2 of this chapter.

~~(1)~~(2) 'Business' means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, trust, or other legal entity.

~~(2)~~(3) 'Center' means a regional development center established under Article 2 of this chapter ~~'Commission' means a regional commission established pursuant to Article 2 of this chapter.~~

~~(3)~~(4) 'Commissioner' means the commissioner of community affairs.

~~(4) 'Council member' means any member of the council of a regional commission established under Article 2 of this chapter.~~

(5) 'Employee' means any person who, pursuant to a written or oral contract, is employed by a regional commission center or by a nonprofit corporation.

(6) 'Family' means spouse and dependents.

(7) 'Nonprofit corporation' means any nonprofit corporation created or controlled by a regional commission development center as expressly authorized by law, or as administratively authorized pursuant to paragraph (18) of Code Section 50-8-31 and subsection (f) of Code Section 50-8-35.

(8) 'Person' means any person, corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, or other legal entity.

(9) 'Substantial interest' means the direct or indirect ownership of more than 25 percent of the assets or stock of any business.

(10) 'Transact business' or 'transact any business' means to sell or lease any personal property, real property, or services on behalf of oneself or on behalf of any third party as an agent, broker, dealer, or representative; to purchase surplus real or personal property on behalf of oneself or on behalf of any third party as an agent, broker, dealer, or representative; or to obtain loans or loan packaging services on behalf of oneself or any third party as an agent, dealer, broker, or representative."

SECTION 1-6.

Said title is further amended by revising Code Section 50-8-67, relating to influence of election of board members prohibited and adoption of disciplinary measures, as follows:

"50-8-67.

A ~~member~~ director or chief administrative officer of a regional development center ~~commission's council or executive director of a regional commission~~ shall not actively or directly attempt to influence the election of persons as members of the ~~council~~ board of such regional ~~commission~~ development center. ~~An executive~~ A director or chief administrative officer of a regional ~~commission~~ development center shall not participate in any partisan political activities. The ~~council~~ board of a regional ~~commission~~ development center may adopt, as part of its personnel policies, disciplinary measures to be imposed for noncompliance with this Code section."

SECTION 1-7.

Said title is further amended by revising Code Section 50-8-83, relating to powers, duties, and obligations of regional commissioners, as follows:

"50-8-83.

A commission shall be, for its area, a regional ~~commission~~ development center as defined in and with all the powers, duties, and obligations of a regional ~~commission~~ development center set forth in Article 2 of this chapter and any other law of general application pertaining to regional ~~commissions~~ development centers on July 1, ~~2009~~ 1989; and in addition shall have all of the other powers, duties, and obligations set forth in this article."

SECTION 1-8.

Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural resources, is amended by revising paragraphs (4), (5.1), (7), and (14) of Code Section 12-5-441, relating to definitions regarding water resources, as follows:

"(4) 'Center' means the regional development center created for any county or group of counties included in each such region pursuant to the authority contained in Article 2 of Chapter 8 of Title 50 ~~Reserved~~."

"(5.1) 'Commission' means a regional commission established pursuant to this article, including its predecessor, a 'regional development center.'"

"(7) 'Flood plain' means that area adjacent to a major stream which is subject to being flooded with a probable frequency of at least once every 100 years. The ~~regional commission center~~ shall delineate the flood plain and in doing so may utilize or adopt studies prepared by the Corps of Engineers, United States Army, or such other studies as the ~~regional commission center~~ deems competent."

"(14) 'Plan' means the comprehensive plan or plans prepared by the ~~regional commission center~~ pursuant to Code Section 12-5-443."

SECTION 1-9.

Said chapter is further amended by revising subsection (b) of Code Section 12-5-579, relating to staffing and cooperation between agencies, as follows:

"(b) The Atlanta Regional Commission, the Georgia Mountains Regional Development Center, the Coosa Valley Regional Development Center, the Chattahoochee-Flint Regional Development Center, and the Northeast Georgia Regional Development Center ~~Any~~ ~~commission, as defined by Code Section 50-8-31, falling within the geographic boundaries of the district~~ shall cooperate with the district and shall assist it in its efforts."

PART II

SECTION 2-1.

Title 2 of the Official Code of Georgia Annotated, relating to agriculture, is amended in subsection (b) of Code Section 2-6-28, relating to number and boundaries of soil and water conservation districts, alteration of existing districts, or formation of new districts, by replacing "commission" with "development center."

SECTION 2-2.

Title 8 of the Official Code of Georgia Annotated, relating to buildings and housing, is amended in paragraph (a) of subsection (d) of Code Section 8-2-113, relating to promulgation of rules and regulations by commissioner, delegation of inspection authority, rules and regulations continued in full effect, advisory committee, powers of commissioner, and training programs, by replacing "commission" with "development center."

SECTION 2-3.

Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural resources, is amended by replacing "commission" with "development center" wherever the former occurs in:

- (1) Code Section 12-8-31.1, relating to local, multijurisdictional, or regional solid waste plans; and
- (2) Code Section 12-8-32, relating to permits for regional solid waste disposal facilities.

SECTION 2-4.

Said title is further amended by replacing "commissions" with "development centers" wherever the former occurs in:

- (1) Code Section 12-3-114, relating to policies to guide department in creating and administering system;
- (2) Code Section 12-5-523, relating to cooperation with Water Council, involvement of stakeholders, and initial draft plan;
- (3) Code Section 12-8-31, relating to state solid waste management plan; and
- (4) Code Section 12-8-31.1, relating to local, multijurisdictional, or regional solid waste plans.

SECTION 2-5.

Said title is further amended by replacing "commission" with "center" wherever the former occurs in:

- (1) Code Section 12-5-443, relating to comprehensive land and water use plan;
- (2) Code Section 12-5-444, relating to prohibited land and water uses;
- (3) Code Section 12-5-445, relating to review of application and supporting documents by regional development center;
- (4) Code Section 12-5-447, relating to minimum standards for certificates and recommendations;
- (5) Code Section 12-5-448, relating to appeal to aggrieved findings pursuant to the part;
- (6) Code Section 12-5-451, relating to uses to which part inapplicable;
- (7) Code Section 12-5-452, relating to cease and desist orders and land-disturbing activities as nuisances;
- (8) Code Section 12-5-453, relating to local regulation of land in drainage basins, enforcement where local regulation inadequate, and failure of governing authority to meet requirements; and

974 (9) Code Section 12-5-456, relating to notification to local authorities of violations of
975 part.

976 **SECTION 2-6.**

977 Title 14 of the Official Code of Georgia Annotated, relating to corporations, is amended in
978 paragraph (14) of Code Section 14-3-140, relating to definitions regarding notice, by
979 replacing "commission" with "development center."

980 **SECTION 2-7.**

981 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended in
982 subsections (a) and (g) Code Section 31-6-43, relating to acceptance or rejection of
983 application for certificate, by replacing "commission" with "development center."

984 **SECTION 2-8.**

985 Title 32 of the Official Code of Georgia Annotated, relating to highways, is amended in
986 subsections (b) and (c) of Code Section 32-9-1, relating to financial support and project
987 grants for research, programs, and purchases, by replacing "commission" with "development
988 center."

989 **SECTION 2-9.**

990 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
991 by replacing "commission" with "development center" wherever the former occurs in:

992 (1) Code Section 36-70-2, relating to definitions regarding planning;

993 (2) Code Section 36-70-3, relating to powers of municipalities and counties;

994 (3) Code Section 36-70-4, relating to municipality and county as members of regional
995 development centers, membership dues, and participation in compiling Department of
996 Community Affairs data base;

997 (4) Code Section 36-80-20, relating to decal or seal required on vehicles owned or leased
998 by any county, municipality, regional development center, school system, commission,
999 board, or public authority; and

1000 (5) Code Section 36-81-8.1, relating to definitions regarding grant certification forms.

1001 **SECTION 2-10.**

1002 Said title is further amended in subparagraph (a)(2)(c) of Code Section 36-87-2, relating to
1003 authority of counties and municipal corporations to participate in programs, by replacing
1004 "commission" with "development center."

SECTION 2-11.

Title 44 of the Official Code of Georgia Annotated, relating to property, is amended in subparagraph (a)(2)(P) of Code Section 44-3-3, relating to certain necessary documents required prior to the sale of subdivided land, is amended in subparagraph (a)(2)(P) by replacing "commission" with "development center."

SECTION 2-12.

Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees, is amended by replacing "commissions" with "development centers" wherever the former occurs in:

(1) Code Section 45-12-172, relating to Office of Planning and Budget to review and comment on proposed development programs and serve as liaison with levels of government; and

(2) Code Section 45-12-206, relating to cooperation of state agencies, counties, municipalities, and other political subdivisions with Governor's Development Council.

SECTION 2-13.

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended in subparagraph (a)(8)(B) of Code Section 48-13-51, relating to county and municipal levies on public accommodations charges for promotion of tourism, conventions, and trade shows, by replacing "commissions" with "development centers."

SECTION 2-14.

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended by replacing "commission" with "development center" wherever the former occurs in:

(1) Code Section 50-8-2, relating to definitions regarding general provisions relating to the Department of Community Affairs;

(2) Code Section 50-8-8, relating to grants, loans, other disbursements of funds, and state community development program;

(3) Code Section 50-8-81, relating to legislative intent;

(4) Code Section 50-8-121, relating to rural economic development areas;

(5) Code Section 50-8-122, relating to studies for proposed projects;

(6) Code Section 50-8-212, relating to definitions regarding rural facilities economic development;

(7) Code Section 50-8-215, relating to policies and procedures for facilities development committee;

1038 (8) Code Section 50-8-216, relating to preparation of comprehensive local plan for less
1039 developed county; and
1040 (9) Code Section 50-29-2, relating to authority of public agencies that maintain
1041 geographic information systems to contract for the provision of services.

1042 **SECTION 2-15.**

1043 Said title is further amended by replacing "commissions" with "development centers"
1044 wherever the former occurs in:

1045 (1) Code Section 50-8-2, relating to definitions regarding general provisions relating to
1046 the Department of Community Affairs;
1047 (2) Code Section 50-8-122, relating to studies for proposed projects;
1048 (3) Code Section 50-8-123, relating to recommendation, approval, funding, and
1049 implementation of projects; and
1050 (4) Code Section 50-30-4, relating to powers of Institute for Community Business
1051 Development.

1052 **PART III**

1053 **SECTION 3-1.**

1054 Section 2 of an Act approved May 6, 2008 (Ga. L. 2008, p. 181), relating to territorial
1055 boundaries of regional commissions, is repealed in its entirety.

1056 **PART IV**

1057 **SECTION 4-1.**

1058 This Act shall become effective upon its approval by the Governor or upon its becoming law
1059 without such approval.

1060 **SECTION 4-2.**

1061 All laws and parts of laws in conflict with this Act are repealed.